

### **Remarks/Arguments**

Reconsideration of the present application, as amended, is respectfully requested.

#### **A. Status of the Claims**

Claims 1 - 18 were pending.

Claims 1 and 8 are being amended.

Claims 1 -- 18 are now pending.

#### **B. Allowable Subject Matter**

The Examiner indicated that Claims 17 and 18 are allowed and that Claims 2, 5, 13, 15 and 16 would be allowable if rewritten in independent form.

#### **C. Claim Objections Under 37 C.F.R. 1.75**

Claims 15 and 16 were objected to as allegedly being substantial duplicates of Claims 17 and 18. Claims 17 and 18 were Claims 15 and 16 rewritten in independent form before Claim 1 was amended to include, "wherein the row of staples (3, 13) and/or nails (12, 13) contact the ejection head (5) when the mobile plate is in the rest position". Because Claims 15 and 16 include this quoted language, but Claims 17 and 18 do not, applicant urges that Claims 15 and 16 are not substantial duplicates of Claims 17 and 18, and respectfully urges reconsideration and withdrawal of the objection.

#### **D. Claim Rejections Under 35 U.S.C. §112, Second Paragraph**

Claim 8 was rejected as being allegedly indefinite for the limitation "the guide of the main body". Claim 8 is being amended to address this rejection. Support for the amended language may be found in Fig. 8, as filed. No new matter has been added.

#### **E. The Claimed Invention**

The present invention, as defined by the amended claims, includes a stapler that adapts to accommodate different sizes of staples and/or nails to be ejected.

In one of the novel aspects of the invention, mobile plate 7 is moved by slider 8 from a rest position to an operative position between ejection head 5 and striker 6 (see Fig. 1 of the application). As shown in Fig. 1, ejection head 5 is located in the vicinity of striker 6. When mobile plate 7 is moved to the operative position between ejection head 5 and striker 6, staples 13 abut mobile plate 7 prior to ejection by striker 6 (see Fig. 8 and lines 17-19 on page 3). A thin-sized staple can therefore be ejected when mobile plate 7 is in the operative position (see lines 18-20 on page 3). When mobile plate 7 is in its rest position, mobile plate 7 is no longer located between ejection head 5 and striker 6, and staples 3 freely abut ejection head 5 prior to ejection by striker 6 (see Fig. 5). A normal thickness staple can therefore be ejected when mobile plate is in the rest position (see lines 17-18 on page 3). Thus, by moving mobile plate 7 from its rest position to its operative position, mobile plate 7 acts as a movable physical barrier which allows the stapler to accommodate staples and/or nails of various thicknesses (page 1, lines 19-20 of the application).

Claim 1 has been amended to more clearly recite that the mobile plate (7) can slide in a direction substantially perpendicular to the feed direction of the row of staples (3, 13) or nails (12, 13). Support for this amendment may be found in Fig. 1, as filed. This amendment more clearly distinguishes over the arrangement of Deng.

**F. Claim Rejections under 35 U.S.C. §102 based on Deng**

Claims 1, 3, 4, 6, 9, 10, and 14 had been rejected as being anticipated by Deng (U.S. 6,076,720).

Applicant respectfully submits that Deng does not anticipate the claimed invention for at least the following reasons.

Claim 1, as amended, recites that the sliding direction of the mobile plate (7) can slide in a direction substantially perpendicular to the feed direction of a row of staples (3, 13) or nails (12, 13). Deng does not disclose this feature.

In Deng, the “mobile plate 30” does not slide in a direction substantially perpendicular to the feed direction of a row of staples or nails. As shown in Figs. 3 and 5 of Deng, the “mobile plate 30” of Deng remains in the same position relative to the row of staples, and does not slide in direction perpendicular to the feed direction of the row of staples.

The claimed arrangement of Claim 1 is not only novel over Deng, it is also simpler, having less parts, and more compact, avoiding the need for mechanisms in front of the ejection head. Applicant urges that the different direction and arrangement (as well as the shape) of the mobile plate (7) as recited in applicant’s Claim 1 is not anticipated, nor rendered obvious in view of Deng.

The other rejected claims depend either directly or indirectly on Claim 1, and should be allowable for at least the same reasons that Claim 1 is allowable.

**G. Fees**

No fees are believed to be due. If, on the other hand, it is determined that any are due or any overpayment has been made, the Assistant Commission is hereby authorized to debit or credit such sum to Deposit Account #02-2275. Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

**H. Conclusion**


In view of the amendments and arguments presented, it is respectfully submitted that each and every one of the matters raised by the Examiner has been addressed by the present amendment and that the present application is now in condition for allowance.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted

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